

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONOVAN JOHNSON,

Plaintiff,

v.

Case No. 24-cv-12164
Hon. Matthew F. Leitman

CAPITAL ONE, *et al.*,

Defendants.

/

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT
AND RECOMMENDATION (ECF No. 21); (2) DISMISSING PLAINTIFF'S
COMPLAINT FOR FAILURE TO PROSECUTE; AND (3) TERMINATING
DEFENDANTS' MOTION TO DISMISS (ECF No. 17) AS MOOT**

On August 19, 2024, Plaintiff Donovan Johnson filed this *pro se* action against the Defendants in which he alleges that the Defendants violated the Fair Credit Reporting Act, 15 U.S.C. §§ 1681, *et seq.*, the Truth in Lending Act, 15 U.S.C. §§ 1601, *et seq.*, and the Equal Credit Opportunity Act, 15 U.S.C. §§ 1691, *et seq.* (*See* Compl., ECF No. 1.) Defendants thereafter moved to dismiss. (*See* Mot., ECF No. 17.) Johnson did not respond to the motion. The assigned Magistrate Judge then issued an order directing Johnson to show cause why his Complaint should not be dismissed for failure to prosecute. (*See* Order, ECF No. 20.) Johnson never responded to that order.

Based on Johnson’s failures to respond, on April 2, 2025, the Magistrate Judge issued a report and recommendation in which she recommended that the Court (1) dismiss Johnson’s Complaint for failure to prosecute and (2) terminate Defendants’ motion to dismiss as moot (the “R&R”). (See R&R, ECF No. 21.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wished to object to her recommendation, they needed to file written objections with the Court within 14 days. (See *id.*, PageID.111-112.)

Johnson has not filed any objections to the R&R. Nor has he contacted the Court to ask for additional time to file objections. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). *See also Ivey v. Wilson*, 832 F.2d 950, (6th Cir. 1987) (explaining that where party fails to file “timely objections” to report and recommendation, court may accept that recommendation “without expressing any view on the merits of the magistrate’s conclusions”). In addition, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Based on Johnson’s failure to file objections to the R&R, the Court **ADOPTS** the recommended disposition of the R&R (ECF No. 21), **DISMISSES** his Complaint (ECF No. 1) **WITHOUT PREJUDICE**, and **TERMINATES**

Defendants' currently-pending motion to dismiss (ECF No. 17) **WITHOUT PREJUDICE as MOOT.**

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: April 28, 2025

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 28, 2025, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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